

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Civil Action No.: 1:20 - CV - 0840 (BKS/CFH)

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

DECLARATION OF B.P. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION

Defendants

B.P. pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the mother of two medically fragile children who attend school in the Mamaroneck School District in New York. My children both have immune dysfunction and suffer from mitochondrial disease and autoimmune encephalitis. My son also had severe allergic reactions to immunizations.

2. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.

3. My children have both had medical exemptions which were accepted in the Mamaroneck School District for four years, and in our previous school district many years before.

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2 4. However, when the rules changed last year, we were subjected to enormous harmful
3 uncertainty, stress and expense that has negatively impacted our children and our family.
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5 We are currently going through the same issues again.

6 5. Before the start of the fall semester of 2019, like many years before, we submitted
7 medical exemptions from our pediatrician, a respected physician licensed to practice in
8 New York. This is the same pediatrician my children have seen for years prior to
9 submitting medical exemptions and the same one who has written medical exemptions
10 that were accepted for prior years.

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12 6. The School District responded for the first time that they “needed more information”
13 which we suddenly had to procure within a matter of days. But the School District refused
14 to answer questions we had about what they were looking for, what the problems were or
15 to let us speak to the reviewing consulting physician who was guiding their decisions so
16 that we could get them the information they wanted. We were forced to obtain a
17 corroborating opinion from a neurologist or infectious disease specialist as well as another
18 certification from our pediatrician and opinion from our mitochondrial geneticist. My
19 children’s exemptions do fit within the ACIP criteria.

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21 7. It was a very expensive and traumatic experience. Many of these specialists have
22 waiting lists over a year long. We had to go through near impossible feats and anxiety to
23 get new “specialist” opinions for our kids within the short time frame as well as explain to
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2 new doctors our kids' entire medical histories and hope they understood and would be
3 able to respond in the short time they had to make a determination.
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5 8. We have had so much stress as a family it has caused physical illness in us as parents
6 due to the enormous stress both mental and financial.
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8 9. We cannot continue to go through this annually. The hoops we had to go through, and
10 the adverse impacts and burdens on our family of having to go through them, have had
11 lasting impacts. We are already struggling so much just to try to work on helping our
12 children's health improve and easing their symptoms.
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14 10. We do not have the resources or the time to arrange for and gather additional opinions,
15 or to have our privacy invaded as strangers comb over our children's private medical
16 information and second guess their NYS licensed and Board certified pediatrician (a
17 Professor at a prestigious hospital in New York), as well as second guessing specialist
18 physicians.
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20 11. This year, we submitted our exemptions earlier in the summer, hoping to get a swift
21 determination and put this behind us so that we could prepare for the challenges and
22 uncertainties that already exist due to Covid-19. The School District has not let us know
23 yet whether the medical exemptions are accepted, or if we again need additional second
24 opinions or other additional information, etc. This is too much. Our kids are already
25 working so hard to try to be well enough to make it through each day. They should not
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27 DECLARATION OF B.P. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION
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2 have to wonder if they will have the right to go to school or if someone who has no
3 medical training or has never treated them will suddenly decide they need to leave school.
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5 12. Wherefore, I respectfully ask this Court to grant the relief and let our children remain
6 in school pending the outcome of this case and to stay the regulations that allow School
7 Districts to overrule treating physicians.

8 RESPECTFULLY SUBMITTED this 15th day of August 2020



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